

Title 16. BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

AVAILABILITY OF MODIFIED TEXT


NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors and Geologists (Board) has proposed modifications to the Substantial Relationship Criteria regulations (Title 16, California Code of Regulations sections 416 and 3060). This regulatory proposal was the subject of a 45-day comment period that ended on July 10, 2014 and was the subject of a regulatory hearing on July 18, 2014. A copy of the modified text is enclosed.

Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before January 5, 2015 to the person listed below. These documents are also available on the Board's website at the following location: http://www.bpelsg.ca.gov/about_us/rulemaking.shtml

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All written comments received by January 5, 2015 which pertain to the indicated changes will be reviewed and responded to as part of the compilation of the rulemaking file. Please limit your comments to the most recent modifications to the text.

DATED: December 15, 2014



Richard B. Moore, PLS
Executive Officer
Board for Professional Engineers, Land Surveyors,
and Geologists

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS,
AND GEOLOGISTS**

Modified Text

Changes to the originally proposed language are shown by double underline for new text, double strikeout for deleted text, and italics and bold for language that was originally proposed to be deleted but is now being put back in.

(1) Amend Section 416 of Division 5 of Title 16 of the California Code of Regulations to read as follows:

416. Substantial Relationship Criteria.

For the purpose of denial, suspension, or revocation of the license of a professional engineer or a land surveyor pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions, and duties of a professional engineer or land surveyor if, to a substantial degree, it evidences present or potential unfitness of a professional engineer or land surveyor to perform the functions authorized by his or her license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, those involving the following:

(a) For professional engineers, any violations of the provisions of the Professional Engineers Act or aiding and abetting any person in such a violation;

(b) For land surveyors, any violations of the provisions of the Professional Land Surveyors' Act or aiding and abetting any person in such a violation;

(c) ***A conviction of a crime*** ~~Crimes or acts~~ arising from or in connection with the practice of professional engineering or land surveying;

(d) Crimes or acts involving dishonesty, fraud, deceit, or theft with the intent to substantially benefit oneself or another or to substantially harm another;

(e) Crimes or acts involving physical violence;

(f) Crimes or acts that indicate a substantial or repeated disregard for the health, safety, or welfare of the public.

Note: Authority cited: Sections ~~481~~, 6716 and 8710, Business and Professions Code.
Reference: Sections 480, 481, 490, ~~493, 6706.3, 6710, 6732, 6775, 6779, 8780 and 8783~~, Business and Professions Code.

(2) Amend Section 3060 of Division 29 of Title 16 of the California Code of Regulations to read as follows:

3060. Substantial Relationship Criteria.

For the purpose of denial, suspension, or revocation of the registration license of a professional geologist, specialty geologist, professional geophysicists, or specialty geophysicists pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions, and duties of a professional geologist, specialty geologist, professional geophysicists, or specialty geophysicists if, to a substantial degree, it evidences present or potential unfitness of such a professional geologist, specialty geologist, professional geophysicist, or specialty geophysicists to perform the functions authorized by his or her registration license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, those involving the following:

(a) Any violations of the provisions of Chapter 12.5 of Division 3 of the Business and Professions Code, the Geologist and Geophysicist Act or aiding and abetting any person in such a violation;

~~(b) Crimes or acts~~ A conviction of a crime arising from or in connection with the practice of professional geology or geophysics;

(c) Crimes or acts involving dishonesty, fraud, deceit, or theft with the intent to substantially benefit oneself or another or to substantially harm another;

(d) Crimes or acts involving physical violence;

(e) Crimes or acts that indicate a substantial or repeated disregard for the health, safety, or welfare of the public.

Note: Authority cited: Sections 481 and 7818, Business and Professions Code. Reference: Sections 480, 481, 490, ~~and 493~~, 7860, and 7863, Business and Professions Code.